

EXHIBIT A

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OFFICE OF THE
CEO/GENERAL MANAGER

ME

JUL 19 2022

HEIDI PERCY
COUNTY CLERK
SNOHOMISH CO. WASH.

SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR SNOHOMISH COUNTY

DAVID PAULEY,

Plaintiff,

No.

22 2 04197 31

SUMMONS

vs.

SNOHOMISH COUNTY PUBLIC UTILITY
DISTRICT NO. 1,

Defendant.

TO THE DEFENDANT: A lawsuit has been started against you in the above entitled court by DAVID PAULEY. Plaintiffs' claims are stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within 20 days after the service of the summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what he asks for because you have not responded. If you serve a notice of appearance on the undersigned person, you are entitled to notice before a default judgment may be entered.

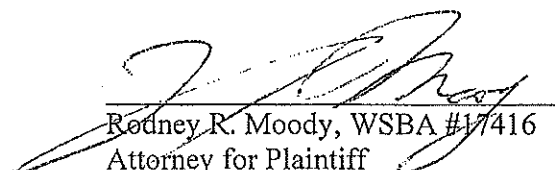
You may demand that the plaintiff file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the person signing the summons. Within 14 days after you serve the demand, the plaintiff must file this lawsuit with the court, or the service on you of the summons and complaint will be void.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so
SUMMONS

1 that your written response, if any, may be served on time.

2 This summons was issued pursuant to rule 4 of the Superior Court Civil Rules of the State
3 of Washington.

4 DATED this 19th day of July, 2022.

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9 Rodney R. Moody, WSBA #17416
Attorney for Plaintiff
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SUMMONS

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**SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR SNOHOMISH COUNTY**

DAVID PAULEY,

Plaintiff,

vs.

SNOHOMISH COUNTY PUBLIC UTILITY
DISTRICT NO. 1,

Defendant.

No.

COMPLAINT FOR DAMAGES

22,204,197 31

COMES NOW the Plaintiffs, by and through their attorney of record, Rodney R. Moody, and hereby allege as follows:

I. PARTIES

- 1.1 David Pauley is a single individual presently residing within Snohomish County.
- 1.2 Snohomish County Public Utility District No. 1 (hereafter PUD) is a governmental organization located in Snohomish County organized under the laws of the State of Washington.

II. JURISDICTION AND VENUE

- 2.1 The Plaintiff brings a cause of action based upon 42 U.S.C. §1983. Jurisdiction is established within the Washington State Superior Court.
- 2.2 Venue is proper in the Snohomish County Superior Court.

III. FACTS

DAVID PAULEY

- 3.1 Pauley has been a 16-year employee of PUD.
- 3.2 In 2013 fellow PUD employee, Scott Davis, spread peanuts throughout the PUD work area
- COMPLAINT FOR DAMAGES

1 where Pauley frequently would work including spreading peanuts throughout the work truck
 2 used by Pauley. Pauley is highly allergic to peanuts, and this spread of peanut material was
 3 highly dangerous to Pauley.

4 3.3 Pauley made management at PUD aware that Davis had spread this material throughout his work
 5 area and work truck. This action by Davis was ignored by PUD management.

6 3.4 In February 2019 while working as a foreman on a crew involving Jake Morgan, Drew
 7 Partington, and Austin Grant an accident occurred between a PUD Bucket truck and Flagging
 8 truck. The Bucket truck with Jake Morgan and Drew Partington inside backed into the Flagging
 9 truck which was being driven by Austin Grant. This accident occurred on a Saturday which was
 10 scheduled overtime.

11 3.5 There was minor damage to the Flagging truck. The employees present asked Pauley as the
 12 foreman on the crew what should be done regarding this accident. Pauley stated to everyone
 13 present that the accident should be reported on Monday when the office reopened.

14 3.6 Jake Morgan then made the comment, "It doesn't look bad, don't worry about it." Pauley
 15 reiterated that the incident should be reported on Monday.

16 3.7 Austin Grant was the employee who was responsible for reporting this accident. Immediately
 17 after the accident Grant was called out for two weeks of National Guard duty and therefore the
 18 accident was not reported in a timely fashion.

19 3.8 After this accident was reported Pauley was called into a meeting with Jake Morgan, Jeff
 20 Roberts, Joe Rife, and John Rover. Pauley was accused of making the statement "Don't worry
 22 about it". Pauley attempted to explain that he was not the individual who made the statement.
 23 He was addressed in a stern manner and told to "Get back to work." Pauley was incorrectly and
 24 falsely accused of making the statement "Don't worry about it."

25 3.9 Pauley worked on another crew which was supervised by Jeff Roberts. Roberts instructed
 26 Pauley to include "high" time on his paysheet that he did not work. Pauley informed Roberts he
 27 would not do this. Robert's response was, "It's profit-sharing, spreads the wealth; you don't like

COMPLAINT FOR DAMAGES

1 it you will not be on my crew.”

2 3.10 In April 2019 Pauley spoke with John Rover about Jeff Roberts padding his timesheet and
3 claiming “high” time that he did not actually work. “High” time referred to work which was
4 performed above the ground.

5 3.11 In March 2019 Scott Davis reported to PUD management that Pauley removed gravel from a job
6 worksite to use at his personal residence. When questioned Pauley immediately acknowledged
7 that he had removed a small amount of gravel, approximately \$20 worth, from a job site and
8 took it to his personal residence with what he believed to be the approval of his supervisors.

9 3.12 Pauley spoke with John Rover who stated to Pauley that he did not see the removal of \$20 worth
10 of gravel as a problem. When questioned later Rover denied making any such comment to
11 Pauley.

12 3.13 In May 2019 Davis was terminated by PUD for stealing roughly \$10,000 in company property in
13 time. During the investigation into this time theft Rover changed his recollection and claimed
14 that Pauley had denied taking the gravel which was the opposite of what he had previously
15 stated.

16 3.14 Prior to May 2019 there had been no complaints regarding Pauley’s work as a foreman or a
17 lineman. No employee who worked with Pauley as a subordinate had ever filed a complaint
18 regarding his work.

19 3.15 On multiple occasions John Harlow come out to jobsites unannounced where Pauley was the
20 foreman. Harlow commented to Pauley on each occasion that his set up and performance as well
22 as job execution were very acceptable.

23 3.16 On June 10, 2019, Pauley was placed on administrative leave.

24 3.17 On July 9, 2019, Pauley was demoted from his position as a Foreman. On July 9, 2019, Pauley
25 was presented with a letter entitled “Notice of Disciplinary Action: Demotion from Line
26 Foreman to Journeyman Lineman and Options for Path to Foreman in Future”. This letter laid
27 out eight bullet point sections outlining the requirements for Pauley to reacquire a Line Foreman

COMPLAINT FOR DAMAGES

position should he choose to do so in the future. No similar requirements had previously been demanded of any other employee to achieve Line Foreman status.

3.18 Jake Morgan has made multiple comments to individuals that as long as he is in a position of influence Pauley would never be reinstated to a foreman position.

3.19 Pauley grieved his demotion. The Union business representative, Nicole Reedy, communicated to Pauley that the Union would not be moving forward with the grievance. She told Pauley that he still had his job and there was no reason to pursue this grievance further. Jake Morgan was on the Grievance committee which made the determination to not move forward with the grievance.

3.20 The Union did not move forward with the grievance.

3.21 In November 2020 Pauley was working with another PUD employee, Phil Wolff. Wolff informed Pauley that he had recently worked for 25 days with Morgan who constantly made derogatory comments about Pauley. Morgan also made comments to Wolff that he had been instrumental in getting Pauley demoted from his foreman position. He made it clear that he would do whatever was necessary to ensure that Pauley was never promoted to a foreman position again. The statements regarding Pauley's work performance were false and unsupported by his work history while employed by PUD.

3.22 Wolff informed Pauley that he had worked these 25 days with Morgan in November 2020. Morgan made derogatory statements to Wolff that Pauley was "lazy" and a poor employee.

3.23 Pauley's performance reviews had always been uniformly positive. He had never received a negative performance review or one which accused him of being lazy or ineffective as an employee.

3.24 Upon information and belief Morgan was instrumental in affecting Pauley's demotion from his Line Foreman status as he bragged.

3.25 Prior to February 2, 2021, Morgan met with Aaron Janesko and made numerous comments to him about what a poor employee Pauley was while advocating for his termination from employment.

COMPLAINT FOR DAMAGES

- 1 3.26 On February 10, 2021, Pauley filed a harassment complaint with PUD management regarding
2 the hostile work environment created by Morgan.
- 3 3.27 On April 1, 2021, Pauley delivered a message to the Union requesting that Morgan be removed
4 as the unit President.
- 5 3.28 On April 15, 2021, PUD dropped its investigation into the harassment claim filed by Pauley.
6 PUD responded to Pauley that all the identified witnesses had been interviewed. Subsequently
7 Pauley came to find out that many of the witnesses identified were never interviewed by PUD
8 management or any HR representative.
- 9 3.29 Morgan and Roberts assigned Pauley to a "fit training" program which he was required to
10 comply with to reacquire his Foreman status. The Fit program is historically two weeks in
11 length. Pauley was required to engage in this program for six months. This length of time had
12 never been required of any other individual seeking promotion to a foreman position. Pauley's
13 participation in the Fit program was also to be overseen by Jeff Roberts.
- 14 3.30 Pauley has frequently been transferred amongst various work crews and treated in a very
15 dismissive manner by PUD management.
- 16 3.31 A policy of retaliation has been implemented against Pauley based upon his exercising his First
17 Amendment right to free speech and reporting work-related actions of employee's falsifying
18 timesheets.
- 19 3.32 This policy of retaliation against Pauley by PUD administration has been sanctioned by
20 supervisory administration to whom Pauley reported.
- 22 3.33 Pauley had a constitutional right to exercise free speech pursuant to the First Amendment as well
23 as the right to pursue an occupation; both constitutional rights were negatively impacted by the
24 policy and custom of PUD administration.
- 25 3.34 As a result of the demotion from this Line Foreman status, Pauley has experienced a financial
26 income loss exceeding \$200,000.
27

COMPLAINT FOR DAMAGES

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V. RETALIATION; §1983

- 5.1 Pauley hereby realleges the preceding paragraphs as if set forth in full.
- 5.2 Pauley engaged in constitutional protected activities including his exercise of his First Amendment right to free speech and his right to pursue an occupation.
- 5.3 PUD administration engaged in an inappropriate policy and custom of retaliation against Pauley for his pursuing these constitutional rights.
- 5.4 A causal relationship exists between Pauley's exercise of these constitutional rights and the act of retaliation exercised against Pauley by PUD administration.
- 5.5 Pauley has been financially damaged in an amount to be established at trial through both loss of special and general damages.

VI. JURY DEMAND

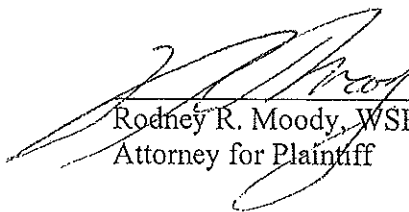
- 6.1 Plaintiffs hereby demand a jury of twelve.

VII. PRAYER FOR RELIEF

WHEREFORE having stated the preceding causes of action Plaintiff does hereby pray for relief as follows:

1. For compensatory damages in an amount to be proved at trial;
2. For general damages in an amount to be proved at trial;
3. For special damages in an amount to be proved at trial;
4. For an award of reasonable attorney's fees;
5. For costs of suit herein; and
6. For such other and further relief as the court deems just and proper.

DATED this 19th day of July, 2022.


Rodney R. Moody, WSBA #17416
Attorney for Plaintiff

COMPLAINT FOR DAMAGES